

**Local Public Agency Section 4(f) compliance worksheet (parks/refuges only) form updated:
July 12, 2006**

Programmatic Section 4(f) or Section 4(f) inapplicability

INSTRUCTIONS: Answer the following questions by circling **YES** or **NO**, and by providing written information or other documentation. Send completed form to MoDOT, Design, P.O. Box 270, Jefferson City, Missouri 65102.

1. Are there any publicly owned or publicly leased lands within project limits?

YES **NO**

(If **NO**, there is no need to complete this form)

1A. If **YES**, briefly describe the nature, location, name and owner of the public land in relation to the proposed project, indicating whether or not the land is for public recreation and/or wildlife refuge. These lands include, but are not limited to the following: parks, schools, municipal golf courses, nature preserves and ball fields (attach photo, if possible). Contact/Coordination with public owners – A written response is needed from the owner for land that cannot be obviously dismissed as potential Section 4(f) land. Public land used solely for fire stations, sewage lagoons, maintenance sheds, etc., are clearly not recreational lands. Lands such as these that contain a recreational component, such as a ball field, may be subject to Section 4(f).

NOTE: If public lands are not used for recreation or refuge, and the public agency has no formal future plan to designate the area as park land, completion and submittal of this form will serve as a request for FHWA concurrence that Section 4(f) does not apply to lands in question. Mo. Dept. of Conservation lands need evaluation on a case-by-case basis. Contact MoDOT environmental studies for further guidance.

2. Will the project involve a change of land ownership?

3. Briefly describe how the project will impact public park and recreation lands.

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4. Have mitigation measures been developed that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f)? Briefly, describe these measures, and provide a letter from the park/refuge manager stating their awareness of and agreement to these measures. This may qualify the project for a *de minimus* Section 4(f) finding.

5. Quantify the size of the impact upon public lands by indicating below:

Right-of-way: _____(acres) Permanent easement: ____ (acres) Temp. construction easement: _____(acres)

Total area of right-of-way and permanent easement (permanent takings): _____ (acres)

Area of park “use” includes right of way, permanent easement and temporary easement (may be excluded as a Section 4(f) impact, under certain conditions. See Item No. 13).

5A. What is the size of the total park or refuge area? _____ (acres)

Programmatic thresholds – If the answer to any of the following is **YES**, a programmatic Section 4(f) applies, IF the park owner does not object to the impacts. If the answer to all is **NO**, a full Section 4(f) evaluation is needed.

5B. If the total park area is less than 10 acres, is the proposed taking equal to or less than 10 percent of the total acreage? **YES** **NO**

5C. If the total park area is from 10 to 100 acres, is the proposed taking equal to or less than 1 acre? **YES** **NO**

5D. If the total park area is greater than 100 acres, is the proposed taking equal to or less than 1 percent? **YES** **NO**

5E. Does the park/refuge manager view the project encroachment combined with the proposed mitigation as a net benefit to the facility?

6. Will the project cause any proximity impacts that would impair the use the remaining parkland for its intended purpose? **YES** **NO**

7. Does the project require the preparation of an EIS? **YES** **NO**
If **YES**, prepare and submit a Draft Section 4(f) evaluation.

8. Have Land and Water Conservation Fund (LWCF), Urban Parks and Recreation Recovery Act (UPARR) grants or other federal funds been used to improve the public land? **YES** **NO**

8A. If **YES**, provide the Land and Water Conservation Fund (LWCF) or Urban Park and Recreation Recovery Act (UPARR) project name and identification number.

8B. Attach a copy of the LWCF project boundary map, if possible (obtain from local park manager).

9. Does the park/refuge manager object to the proposed impacts? **YES** **NO**
If **NO**, attach a copy of park manager's "no objection" letter. If **YES**, do further coordination to address conflicts. Prepare and submit a Draft Section 4(f) evaluation, if conflict resolution does not occur.

10. Is there a feasible and prudent alternative to the proposed project that avoids the park/refuge? **YES** **NO**
If no feasible and prudent alternative exists to avoid park/refuge impacts, provide an explanation why. NOTE: If **YES**, the project must be constructed without impacting the park/refuge.

11. What are the consequences if the project is not completed (no build)?

12. What offsetting measures are being included in the project scope that will minimize impacts to the park/refuge?

Circle the appropriate items that apply:

- a. Replacement of lands impacted with lands of reasonably equivalent usefulness and location, and of at least comparable monetary value
- b. Replacement of facilities impacted including sidewalks, paths, benches, lights, trees, and other facilities
- c. Restoration of landscaping on disturbed areas
- d. Special design features (describe below)
- e. Payment of fair market value
- f. Improvements to the remaining park equal in cost to the fair market value (describe below)
- g. Other measures (describe below)

13. The proposed project has been coordinated with the federal, state and/or local officials having jurisdiction over the park/refuge. **YES** **NO**

If **NO**, explain. Refer to earlier mention of contacts made with local park entity and need for early coordination.

14. For non-federal park/refuge, the official having jurisdiction has been asked to identify any federal encumbrances and appropriate coordination has occurred with the federal agency. **YES**

NO
(If **NO**, explain).

15. Temporary construction easements: Section 4(f) is considered inapplicable for the proposed use of temporary construction easements IF such occupancy:

a) will be of short duration and less than the time needed for construction of the project? **YES**
NO

b) will result in no change of ownership or retention of long term interests in the land for transportation purposes? **YES** **NO**

c) will not result in any temporary or adverse change to the activities, features, or attributes that are important to the purposes or functions that could qualify the resource for protection under Section 4(f)? **YES** **NO**

d) will include only a minor amount of land? **YES** **NO**

Comments or explanation regarding temporary construction easements:
